

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

No.	CV 24-01541-WDK (AS)	Date	December 30, 2024
Title	<i>Jerry Benjamin Soper III v. City of Buena Park, et. al.,</i>		

Present: The Honorable	Alka Sagar, United States Magistrate Judge
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Alma Felix

Not reported

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiff:

Attorneys Present for Defendants:

Not present

Not present

Proceedings (In Chambers):

ORDER TO SHOW CAUSE RE LACK OF PROSECUTION

On November 12, 2024, the Court issued an Order dismissing the Complaint with leave to amend, setting forth the deficiencies in the Complaint and directing Plaintiff to file a First Amended Complaint if he wished to pursue this case. (Dkt. No. 10). Plaintiff was ordered to file a First Amended Complaint “no later than 30 days from the date of [the Court’s] Order.” (*Id.* at 11). Since the Order was issued on November 12, 2024, Plaintiff was required to file a First Amended Complaint no later than December 12, 2024. Plaintiff was “explicitly cautioned that failure to timely file a First Amended Complaint, . . . may result in a recommendation that this action, or portions thereof, be dismissed with prejudice for failure to prosecute and/or failure to comply with court orders. *Id.*, at 12

To date, Plaintiff has failed to file a First Amended Complaint, seek an extension of time to do so, or otherwise communicate with the Court. Accordingly, Plaintiff is **ORDERED TO SHOW CAUSE, in writing, no later than January 20, 2025**, why this action should not be dismissed with prejudice for failure to prosecute. This Order will be discharged upon the filing of a First Amended Complaint that complies with the November 12, 2024 Order dismissing Plaintiff’s Complaint with leave to amend (Dkt. No. 10), a copy of which is attached to this Order, or upon the filing of a declaration under penalty of perjury stating why Plaintiff is unable to file a First Amended Complaint.

If Plaintiff no longer wishes to pursue this action, he may request a voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1). A notice of dismissal form is attached for Plaintiff’s convenience.

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Plaintiff is warned that a failure to timely respond to this Order **will** result in a recommendation that this action be dismissed with prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute and obey court orders.

IT IS SO ORDERED.

cc: William D. Keller
United States District Judge